

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Advanced Television Systems)	MB Docket No. 87-268
and Their Impact upon the)	
Existing Television Broadcast Service)	

To: The Commission

RESPONSE TO SUPPLEMENT

Davis Television Clarksburg, LLC ("Davis Clarksburg"), the licensee of Television Station WVFX(TV) and the permittee of WVFX-DT, Clarksburg, West Virginia (Facility ID No. 10976), by its attorneys, hereby responds to the supplemental engineering statement ("Supplement") that was filed by West Virginia Educational Broadcasting Authority ("WVEBA") on April 26, 2007 in connection with the Seventh Further Notice of Proposed Rule Making ("Seventh FNPRM") issued by the Commission in the above-captioned proceeding (FCC 06-150). WVEBA is the licensee of WSWP-TV and the permittee of WSWP-DT, Grandview, West Virginia.

WSWP-DT has been issued a tentative channel designation on DTV Channel 10, and the Commission in the Seventh FRPRM tentatively authorized WSWP-DT to operate with an effective radiated power ("ERP") of 2.5 kW at an antenna height above average terrain of 314 meters. In its Comments, WVEBA requested that the Commission increase WSWP-DT's allotted ERP from 2.5 kW to 20 kW using a particular directional antenna. Because operation of WSWP-DT at 20 kW ERP in this manner will result in interference to WVFX-DT in excess of the 0.1% interference standard, WVEBA requested a waiver of that interference standard.

Davis Clarksburg opposed that waiver request in its Reply Comments on the grounds that the proposed 20 kW ERP for WSWP-DT exceeds the ERP necessary to replicate WSWP-TV's analog service area, and the operation of WSWP-DT at 20 kW will cause substantially more interference to WVFX-DT than the 0.7% interference claimed by WVEBA. Specifically, Davis Clarksburg's consulting engineer determined, based on the methodology utilized by the FCC, that the proposed facility in fact would result in new interference to 8,506 persons within the station's service area, representing 1.4% of the 589,000 reference population for WVFX-DT. Davis Clarksburg Reply Comments, Engineering Statement at 3 & Table 1. Davis Clarksburg's consulting engineer also demonstrated that with the use of a different directional antenna design, and with maximum ERP of 15 kW, the FCC's 0.1 % interference protection to WVFX-DT could be maintained while affording WSWP-DT a substantial improvement in coverage.


In its Supplement, WVEBA disputes the methodology employed by Davis Clarksburg to calculate the level of interference to be caused to WVFX-DT. Davis Clarksburg has reviewed WVEBA's supplemental technical information and believes that WVEBA has misconstrued the method of calculating new interference to post-transition DTV stations. Specifically, there is no justification under these circumstances to include in the WVFX-DT interference mask analog stations that will not be operating on their analog channel post-transition, as claimed by WVEBA. The FCC's interference calculation is based on a station's certified facilities and reflects post-transition operations. Indeed, in Appendix B to the Seventh FNPRM, the FCC clarified that "[t]he percent interference received value is the percentage of the station's otherwise noise-limited service area that is affected by predicted interference from other DTV stations."

Finally, WVEBA's suggestion that the 1.4% interference to WVFX-DT should in some way be discounted because WVFX-DT is a Fox Network affiliate is entirely misplaced. Fox Network programming accounts for only 8.33% of the total programming hours on WVFX-DT on a typical broadcast day (2 hours out of a 24 hour broadcast day). Grant of the requested waiver would therefore result in the loss of WVFX-DT programming, primarily non-network programming that is unavailable on other Fox Network affiliates, to a significant portion of viewers in the WVFX-DT's service area.

For the reasons set forth herein and in its Reply Comments in this proceeding, Davis Clarksburg respectfully requests that the FCC deny WVEBA's request for waiver of the 0.1% interference standard and its underlying request to increase WSWP-DT's ERP to 20 kW

Respectfully submitted,

DAVIS TELEVISION CLARKSBURG, LLC

By: 

Dennis P. Corbett
John D. Poutasse

Leventhal Senter & Lerman PLLC
2000 K Street, N.W. Suite 600
Washington, DC 20006-1809
(202) 429-8970

May 10, 2007

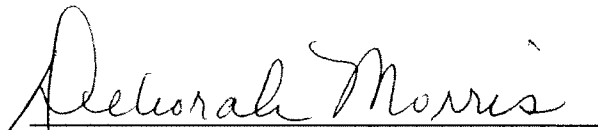
Its Attorneys

CERTIFICATE OF SERVICE

I, Deborah Morris, do hereby certify that a copy of the foregoing "Response to Supplement" was mailed by First Class U.S. Mail, postage prepaid, this 10th day of May, 2007, to the following:

Kenneth E. Satten, Esq.
Wilkinson Barker Knauer LLP
2300 N. Street, NW
Washington, DC 20037-1128

Counsel to West Virginia Educational Broadcasting Authority



Deborah Morris